

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CAMERON DIXON,

Plaintiff,

v.

Civ. Action No. 1:20-CV-50  
(Judge KleeH)

JAMES THORPE,  
President of Fidelity Properties,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 24]

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On March 19, 2020, Plaintiff Cameron Dixon ("Plaintiff") filed a Complaint against Defendant James Thorpe ("Defendant") alleging violations of the Fair Debt Collections Practices Act ("FDCPA"). [ECF No. 1]. Since the filing of the Complaint, Plaintiff has failed to prosecute and pay the required filing fee in this matter. [See ECF Nos. 11, 22, 23].

Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred the action to United States Magistrate Judge Michael J. Aloï for initial review. On December 11, 2020, the Magistrate Judge entered a Report and Recommendation ("R&R") [ECF No. 24], recommending that the Court dismiss Plaintiff's Complaint for failure to prosecute and failure to pay the initial partial filing fee as ordered by the Court [ECF No. 24].

The R&R also informed the parties regarding their right to file specific written objections to the magistrate judge's report

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and recommendation. Under Local Rule 12 of the Local Rules of Prisoner Litigation Procedure of the Northern District of West Virginia, “[a]ny party may object to a magistrate judge’s recommended disposition by filing and serving written objections within fourteen (14) calendar days after being served with a copy of the magistrate judge’s recommended disposition.” LR PL P 12. Therefore, parties have fourteen (14) calendar days from the date of service of the R&R to file “specific written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis of such objection.” The R&R further warned them that the “[f]ailure to file written objections . . . shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals.” The docket reflects that Plaintiff accepted service of the R&R on December 17, 2020. [ECF No. 25]. To date, no objections to the R&R have been filed.

When reviewing a magistrate judge’s R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, “the Court may adopt, without explanation, any of the magistrate judge’s recommendations” to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been

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made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R in its entirety [ECF No. 24]. Plaintiff's Complaint is **DISMISSED** without prejudice for failure to pay the initial partial filing fee or show cause as ordered by this Court. [ECF No. 1]. The Court **ORDERS** that this action be **DISMISSED WITHOUT PREJUDICE** and **STRICKEN** from the docket.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all pro se parties via certified mail, return receipt requested, and to counsel of record via email.

**DATED:** May 7, 2021

/s/ Thomas S. Kleeh  
THOMAS S. KLEEH  
UNITED STATES DISTRICT JUDGE